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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

WILLIAM HERGOTZ, Derivatively on Behalf)  
 of Nominal Defendant SANMINA-SCI  
 CORPORATION,

Plaintiff,

vs.

JURE SOLA, et al.,

Defendants,

– and –

SANMINA-SCI CORPORATION,

Nominal Defendant.

No. C-06-3783-JF

STIPULATION AND [PROPOSED] ORDER  
 CONSOLIDATING CASES FOR ALL  
 PURPOSES, APPOINTING LEAD  
 PLAINTIFFS AND CO-LEAD COUNSEL  
 AND SETTING SCHEDULE FOR FILING  
 OF CONSOLIDATED COMPLAINT

[Caption continued on following page.] -filed 8/31/06\*\*

KENNETH SAUNDERS, Derivatively on  
Behalf of Nominal Defendant SANMINA-SCI  
CORPORATION,

Plaintiff,

vs.

JURE SOLA, et al.,

Defendants,

– and –

SANMINA-SCI CORPORATION,

Nominal Defendant.

No. C-06-03804-JF(HRL)

WOLLASTON G. MORIN, IN THE RIGHT  
OF AND FOR THE BENEFIT OF  
SANMINA-SCI CORPORATION,

Plaintiff,

vs.

JURE SOLA, et al.,

Defendants,

– and –

SANMINA-SCI CORPORATION,

Nominal Defendant.

No. C-06-04260-RMW(HRL)

[Caption continued on following page.]

ALASKA ELECTRICAL PENSION FUND,  
Derivatively on Behalf of SANMINA-SCI  
CORPORATION,

Plaintiff,

vs.

JURE SOLA, et al.,

Defendants,

– and –

SANMINA-SCI CORPORATION, a Delaware  
corporation,

Nominal Defendant.

WILLIAM A. HALLETT, JR., et al.,  
Derivatively on Behalf of SANMINA-SCI  
CORPORATION,

Plaintiffs,

vs.

JURE SOLA, et al.,

Defendants,

– and –

SANMINA-SCI CORPORATION, a Delaware  
corporation,

Nominal Defendant.

No. C-06-4389-JW(HRL)

No. C-06-04494-PVT

WHEREAS, there are five related shareholder derivative actions on behalf of Nominal Defendant Sanmina-SCI Corporation ("Sanmina") pending in this district:

<b>Abbreviated Case Name</b>	<b>Case Number</b>	<b>Date Filed</b>
<i>Hergotz v. Jure Sola, et al.</i>	C-06-03783-JF	June 15, 2006
<i>Saunders v. Jure Sola, et al.</i>	C-06-03804-JF	June 16, 2006
<i>Morin v. Jure Sola, et al.</i>	C-06-04260-RMW	July 11, 2006
<i>Alaska Electrical Pension Fund v. Jure Sola, et al.</i>	C-06-04389-JW	July 18, 2006
<i>Hallett, et al. v. Jure Sola, et al.</i>	C-06-04494-PVT	July 24, 2006

WHEREAS, the five related shareholder derivative actions arise out of the same transactions and occurrences and involve the same or substantially similar issues of law and fact, and, therefore, should be consolidated for all purposes under Fed. R. Civ. P. 42(a);

WHEREAS, on August 4, 2006, Alaska Electrical Pension Fund and Helen G. McGowan filed a Notice of Motion and Motion Consolidating Cases and for the Appointment of Lead Plaintiffs, with its selection of Lerach Coughlin Stoia Geller Rudman & Robbin LLP as Lead Counsel;

WHEREAS, on August 4, 2006, William Hergotz and Kenneth Saunders filed a Notice of Motion and Motion to Consolidate Related Shareholder Actions and Appoint Lead Plaintiffs, Co-Lead Counsel and Liaison Counsel, selecting the law firms of Schiffrin & Barroway, LLP and Brodsky & Smith, LLC as Co-Lead Counsel;

WHEREAS, Nominal Defendant Sanmina takes no position as to the appointment of the Alaska Electrical Pension Fund and William Hergotz as Lead Plaintiffs and Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Schiffrin & Barroway, LLP as Co-Lead Counsel;

WHEREAS, after meeting and conferring, all Lead Plaintiff applicants agree that Alaska Electrical Pension Fund and William Hergotz should be appointed Lead Plaintiffs and Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Schiffrin & Barroway, LLP should be appointed Co-Lead Counsel;

WHEREAS, counsel for plaintiffs and Nominal Defendant Sanmina have met and conferred and have agreed to a schedule for filing a Consolidated Complaint and for briefing any motion directed at the Consolidated Complaint; and

WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial efficiency, and will not cause prejudice to any party.

THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs and Nominal Defendant Sanmina, through their respective counsel of record, as follows:

#### **I. CONSOLIDATION OF ACTIONS**

1. The following actions are hereby consolidated for all purposes, including pretrial proceedings, trial and appeal:

<b>Abbreviated Case Name</b>	<b>Case Number</b>	<b>Date Filed</b>
<i>Hergotz v. Jure Sola, et al.</i>	C-06-03783-JF	June 15, 2006
<i>Saunders v. Jure Sola, et al.</i>	C-06-03804-JF	June 16, 2006
<i>Morin v. Jure Sola, et al.</i>	C-06-04260-RMW	July 11, 2006
<i>Alaska Electrical Pension Fund v. Jure Sola, et al.</i>	C-06-04389-JW	July 18, 2006
<i>Hallett, et al. v. Jure Sola, et al.</i>	C-06-04494-PVT	July 24, 2006

2. The caption of these consolidated actions shall be “*In re Sanmina-SCI Corp. Derivative Litigation*” and the files of these consolidated actions shall be maintained in one file under Master File No. C-06-03783-JF. Any other actions now pending or later filed in this Court which arise out of or are related to the same facts as alleged in the above-identified cases shall be consolidated for all purposes, if and when they are brought to the Court’s attention.

3. Every pleading filed in the consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re SANMINA-SCI CORP.  
DERIVATIVE LITIGATION

Master File No. C-06-03783-JF

This Document Relates To:

4. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to be applicable to only some, but not all, of the consolidated actions, this Court's docket number for each individual action to which the pleading is intended to be applicable and the abbreviated case name of said action shall appear immediately after the words "This Document Relates To:" in the caption described above (*e.g.*, "No. C-06-04389-JW, *Alaska Electrical Pension Fund v. Jure Sola, et al.*").

5. A Master Docket and a Master File hereby are established for the above consolidated proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall continue to be maintained for each of the individual actions hereby consolidated, and entries shall be made in the docket of each individual case in accordance with the regular procedures of the clerk of this Court, except as modified by this Order.

6. When a pleading is filed and the caption shows that it is applicable to "All Actions," the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No further copies need be filed, and no other docket entries need be made.

7. When a pleading is filed and the caption shows that it is to be applicable to fewer than all of the consolidated actions, the clerk will file such pleading in the Master File only but shall docket such filing on the Master Docket and the docket of each applicable action.

8. When a case which properly belongs as part of *In re Sanmina-SCI Corp. Derivative Litigation* is filed in this Court or transferred to this Court from another court and assigned to Judge Fogel, the clerk of this Court shall:

(a) Place a copy of this Order in the separate file for such action;

(b) Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred case a copy of this Order and direct that this Order be served upon or mailed to any new defendant(s) or their counsel in the newly-filed or transferred case; and

(c) Make an appropriate entry on the Master Docket. This Court requests the assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any case which properly might be consolidated as part of *In re Sanmina-SCI Corp. Derivative Litigation*.

## **II. APPOINTMENT OF LEAD PLAINTIFFS AND CO-LEAD COUNSEL**

9. Plaintiffs Alaska Electrical Pension Fund and William Hergotz shall be appointed Lead Plaintiffs.

10. The law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Schiffrin & Barroway, LLP shall be appointed Co-Lead Counsel for plaintiffs in the consolidated *Sanmina* shareholder derivative actions.<sup>1</sup>

11. Co-Lead Counsel shall have authority to speak for plaintiffs in matters regarding pretrial and trial procedure and settlement negotiations, and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

12. Co-Lead Counsel shall be responsible for coordination of all activities and appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No motion, request for discovery or other pretrial proceedings shall be initiated or filed by plaintiffs except through Co-Lead Counsel.

13. Co-Lead Counsel also shall be available and responsible for communications to and from this Court. Co-Lead Counsel shall be responsible for the creation and maintenance of a master service list of all parties and their respective counsel.

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<sup>1</sup> Nominal Defendant Sanmina takes no position as to the appointment of the Alaska Electrical Pension Fund and William Hergotz as Lead Plaintiffs and Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Schiffrin & Barroway, LLP as Co-Lead Counsel.

14. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or other duly authorized representatives of plaintiffs, and such agreements shall be binding on plaintiffs.

**III. SCHEDULE**

15. Plaintiffs shall no later than 60 days from the entry of this Order file and serve a Consolidated Complaint which will supersede all existing complaints filed in these actions. Defendants need not respond to any of the pre-existing complaints. Service shall be effected with respect to Nominal Defendant Sanmina by serving the Consolidated Complaint on counsel for Nominal Defendant Sanmina.

16. Nominal Defendant Sanmina shall answer or otherwise respond to the Consolidated Complaint no later than 45 days from the date of service. In the event that Nominal Defendant Sanmina files and serves any motion directed at the Consolidated Complaint, plaintiffs shall file and serve their opposition within 45 days after the service of the motion. If Nominal Defendant Sanmina files and serves a reply to plaintiffs' opposition, it will do so within 15 days after service of the opposition.

IT IS SO STIPULATED.

DATED: August 18, 2006

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
SHAWN A. WILLIAMS  
MARIA V. MORRIS  
MONIQUE C. WINKLER

/s/  
\_\_\_\_\_  
MONIQUE C. WINKLER

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2 LERACH COUGHLIN STOIA GELLER  
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4 TRAVIS E. DOWNS III  
5 BENNY C. GOODMAN III  
6 THOMAS G. WILHELM  
7 655 West Broadway, Suite 1900  
8 San Diego, CA 92101  
9 Telephone: 619/231-1058  
10 619/231-7423 (fax)

[Proposed] Co-Lead Counsel for Plaintiffs

11 I, Monique C. Winkler, am the ECF User whose ID and password are being used to file  
12 this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B.,  
13 I hereby attest that ROBIN WINCHESTER have concurred in this filing.

14 DATED: August 18, 2006

SCHIFFRIN & BARROWAY, LLP  
ERIC L. ZAGAR  
SEAN M. HANDLER  
ROBIN WINCHESTER

15  
16 /s/  
17 ROBIN WINCHESTER

280 King of Prussia Road  
Radnor, PA 19087  
Telephone: 610/667-7706  
610/667-7056 (fax)

[Proposed] Co-Lead Counsel for Plaintiffs

18 I, Monique C. Winkler, am the ECF User whose ID and password are being used to file  
19 this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B.,  
20 I hereby attest that EVAN J. SMITH have concurred in this filing.

21 DATED: August 18, 2006

BRODSKY & SMITH, LLC  
EVAN J. SMITH

22  
23 /s/  
24 EVAN J. SMITH  
25  
26  
27  
28

9595 Wilshire Boulevard, Suite 900  
Beverly Hills, CA 90212  
Telephone: 310/300-8425  
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Counsel for Plaintiff Saunders

I, Monique C. Winkler, am the ECF User whose ID and password are being used to file  
this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B.,

I hereby attest that BETSY C. MANIFOLD have concurred in this filing.

DATED: August 18, 2006

WOLF HALDENSTEIN ADLER FREEMAN &  
HERZ LLP  
BETSY C. MANIFOLD

/s/  
BETSY C. MANIFOLD

Symphony Towers  
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Counsel for Plaintiff Morin

I, Monique C. Winkler, am the ECF User whose ID and password are being used to file  
this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B.,

I hereby attest that NORMAN J. BLEARS have concurred in this filing.

DATED: August 18, 2006

HELLER EHRMAN LLP  
NORMAN J. BLEARS  
MICHAEL L. CHARLSON  
NICOLE M. RYAN

/s/  
NORMAN J. BLEARS

275 Middlefield Road  
Menlo Park, CA 94025  
Telephone: 650/324-7000  
650/324-0638 (fax)

Counsel for Nominal Defendant Sanmina-SCI  
Corporation

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 8/31/06



THE HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/

MONIQUE C. WINKLER

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## Mailing Information for a Case 5:06-cv-03783-JF

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Michael L. Charlson**  
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- **Eric L. Zagar**  
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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**Sandra G Smith**  
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Rannor, PA 19087